

ORDINANCE NO. 1532 FOURTH SERIES

AN ORDINANCE TO INSURE THE LOYALTY OF THE OFFICERS AND EMPLOYEES OF THE CITY OF SACRAMENTO BY REQUIRING THEM TO TAKE AN OATH OF ALLEGIANCE TO THE UNITED STATES OF AMERICA AND THE STATE OF CALIFORNIA AND TO REQUIRE AN AFFIDAVIT RELATING TO MEMBERSHIP IN THE COMMUNIST PARTY.

BE IT ORDAINED by the Council of the City of Sacramento as follows:

SECTION 1. Every person who is hereafter elected or appointed to an office or position in the service of the City of Sacramento must, before entering upon the duties of his office or position, take and subscribe to the following oath:

I, _____, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and the State of California, and will support and defend the Constitution and laws of the United States of America and of the State of California and the laws of the City of Sacramento against all enemies, foreign and domestic. I further swear (or affirm) that I do not advise, advocate or teach, and have not within the period beginning five (5) years prior to the effective date of the ordinance requiring the making of this oath or affirmation, advised, advocated or taught, the overthrow by force, violence or other unlawful means, of the Government of the United States of America or of the State of California and that I am not now and have not, within said period, been or become a member of or affiliated with any group, society, association, organization or party which advises, advocates or teaches, or has, within said period, advised, advocated or taught, the overthrow by force, violence or other unlawful means of the Government of the United States of America, or of the State of California. I further swear (or affirm) that I will not, while I am in the service of the City of Sacramento, advise, advocate or teach, or be or become a member of or affiliated with any group, association, society, organization or party which advises, advocates or teaches, or has within said period, advised, advocated or taught, the overthrow by force, violence or other unlawful means, of the Government of the United States of America or of the State of California, that I will well and faithfully discharge the duties of my office or employment in the service of the City of Sacramento and that I take this whole obligation freely without any mental reservation or purpose of evasion, So Help Me God.

SECTION 2. Every person who is hereafter elected or appointed to an office or position in the service of the City of Sacramento must, before entering upon the duties of his office or position, execute an affidavit stating whether or not he is or ever was a member of the Communist Party of the United States of America or of the Communist Political Association, and if he is or was such a member, stating the dates when he became, and the periods during which he was, such a member; provided, however, that no additional affidavit shall be required on account of the transfer, demotion or promotion of any person who has once executed an affidavit under this section and as set forth in Section 1 hereof.

SECTION 3. Every person who now holds or occupies an office or position in the service of the City of Sacramento must, within thirty (30) days after the effective date of this ordinance, or if he be on leave or under suspension for cause from the service of the city at such effective date, within (30) days after his return to such service, take and subscribe to the oath set forth in Section 1 hereof and make the affidavit required by Section 2 hereof.

SECTION 4. Each oath and affidavit required hereunder shall be taken, executed and signed before an officer authorized by law to administer oaths, and the jurat of such officer shall be affixed to the document so subscribed under the official seal of such officer.

SECTION 5. The oaths and affidavits required hereby to be executed shall apply to all officers and employees under the jurisdiction of the City Manager, City Attorney, City Clerk, City Treasurer, the Mayor, or of this Council. It shall be the duty of the head of each department or such other officer as the City Manager may designate to require each officer and employee to execute and file the oath and affidavit required by this ordinance. Such oaths and affidavits shall be filed with the Civil Service Board.

SECTION 6. Whenever the head of any department or any other official of the City of Sacramento is in doubt as to whether or not an officer or employee subject to his direction swore falsely in or has violated an oath required hereunder, he shall investigate and determine so far as possible the facts involved in the case and report the same to the City Manager.

SECTION 7. Whenever the City Manager or other appointing power shall determine that an officer or employee subject to the requirements of this ordinance has sworn falsely in or has violated an oath required hereunder or has wrongfully refused to comply with the requirements of this ordinance, he shall discharge such person. Any violation of the requirements of this ordinance by any officer or employee shall constitute misconduct and a failure to perform duties and such person shall be subject to dismissal from service according to the provisions of Section 178 of the City Charter.

SECTION 8. The City Clerk is hereby directed to have printed forms of the oath and affidavits herein required and to make the same available to such heads of departments or other officers as the City Manager may designate.

SECTION 9. If any provision, section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of any other part of this ordinance, and the Council hereby declares that it would have adopted each provision, section, paragraph, sentence, clause, phrase and word herein contained without regard to the adoption at the same time of other parts hereof.

SECTION 10. This ordinance shall be published once in the official newspaper of said City of Sacramento and shall take effect thirty (30) days from and after its passage.

PASSED: August 24, 1950

EFFECTIVE: September 23, 1950

ATTEST:

Paul H. Marby
DEPUTY, City Clerk

Benjamin J. Ferriter
Mayor

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